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DOCKET NO: R0586-701010

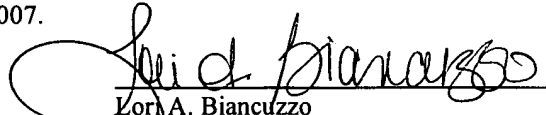
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Herrmann
Serial No: 10/729,826
Confirmation No: 8536
Filed: December 5, 2003
For: GAME OF CHANCE AND SYSTEM AND METHOD FOR
PLAYING GAMES OF CHANCE

Examiner: Not Yet Assigned
Art Unit: 3711

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21 day of February, 2007.


Lori A. Biancuzzo

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

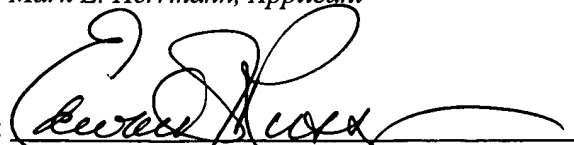
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,
Mark E. Herrmann, Applicant

By: 
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Date: February 21, 2007



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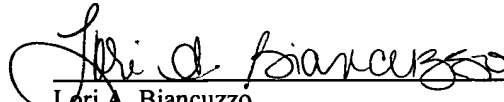
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Lori A. Biancuzzo

Mail Stop Amendment

Commissioner for Patents
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**INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
|-------------------|--------------------|------------------------|
| 10/954,985 | September 30, 2004 | Steven N. Kane, et al. |
| 11/002,997 | November 30, 2004 | Steven N. Kane |

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Mark E. Herrmann, Applicant

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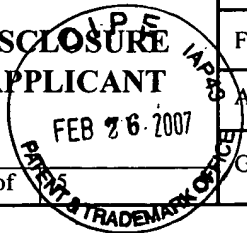
One Main Street

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Date: February 21, 2007

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| FORM PTO-1449/A and B (Modified) | | APPLICATION NO.: 10/729,826 | ATTY. DOCKET NO.: R0586-701010 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | FILING DATE: December 5, 2003 | CONFIRMATION NO.: 8536 |
| | | APPLICANT: Mark E. Herrmann | |
| Sheet | 1 | of | EXAMINER: Not Yet Assigned |



U.S. PATENT DOCUMENTS

| Examiner's Initials | Cite No. | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication or of issue of Cited Document MM-DD-YYYY |
|------------------------|-------------|----------------------|--------------|--|--|
| | | Number | Kind Code | | |
| | * | 4,582,324 | | Koza et al. | 04-15-1986 |
| | * | 4,679,789 | | Okada | 07-14-1987 |
| | * | 4,725,079 | | Koza et al. | 02-16-1988 |
| | * | 4,764,666 | | Bergeron | 08-16-1988 |
| | * | 4,882,473 | | Bergeron et al. | 11-21-1989 |
| | * | 5,158,293 | | Mullins | 10-27-1992 |
| | * | 5,377,975 | | Clapper, Jr. | 01-03-1995 |
| | * | 5,569,082 | | Kaye | 10-29-1996 |
| | * | 5,586,937 | | Menashe | 12-24-1996 |
| | * | 5,628,684 | | Bouedec | 05-13-1997 |
| | * | 5,645,485 | | Clapper, Jr. | 07-08-1997 |
| | * | 5,653,635 | | Breeding | 08-05-1997 |
| | * | 5,709,603 | | Kaye | 01-20-1998 |
| | * | 5,722,891 | | Inoue | 03-03-1998 |
| | * | 5,749,784 | | Clapper, Jr. | 05-12-1998 |
| | * | 5,768,382 | | Schneier et al. | 06-16-1998 |
| | * | 5,772,511 | | Smeltzer | 06-30-1998 |
| | * | 5,788,573 | | Baerlocher et al. | 08-04-1998 |
| | * | 5,791,990 | | Schroeder et al. | 08-11-1998 |
| | * | 5,810,664 | | Clapper, Jr. | 09-22-1998 |
| | * | 5,823,873 | | Moody | 10-20-1998 |
| | * | 5,823,874 | | Adams | 10-20-1998 |
| | * | 5,848,932 | | Adams | 12-15-1998 |
| | * | 5,860,653 | | Jacobs | 01-19-1999 |
| | * | 5,871,398 | | Schneier et al. | 02-16-1999 |
| | * | 5,882,258 | | Kelly et al. | 03-16-1999 |
| | * | 5,887,906 | | Sultan | 03-30-1999 |
| | * | 6,012,983 | | Walker et al. | 01-11-2000 |
| | * | 6,044,135 | | Katz | 03-28-2000 |
| | * | 6,059,289 | | Vancura | 05-09-2000 |
| | * | 6,077,163 | | Walker et al. | 06-20-2000 |
| | * | 6,146,272 | | Walker et al. | 11-14-2000 |
| | * | 6,152,823 | | Lacoste et al. | 11-28-2000 |
| | * | 6,159,097 | | Gura | 12-12-2000 |
| | * | 6,162,121 | | Morro et al. | 12-19-2000 |
| | * | 6,179,711 | B1 | Yoseloff | 01-30-2001 |
| | * | 6,186,892 | B1 | Frank et al. | 02-13-2001 |

| | | | | | | | |
|---|---|----|---|-------------------------------|--|--------------------------------|--|
| FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: 10/729,826 | | ATTY. DOCKET NO.: R0586-701010 | |
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| | | | | APPLICANT: Mark E. Herrmann | | | |
| | | | | GROUP ART UNIT: 3711 | | EXAMINER: Not Yet Assigned | |
| Sheet | 2 | of | 5 | | | | |

U.S. PATENT DOCUMENTS

| | | | | | |
|--|---|-----------|----|------------------|------------|
| | * | 6,203,427 | B1 | Walker et al. | 03-20-2001 |
| | * | 6,236,900 | B1 | Geiger | 05-22-2001 |
| | * | 6,251,017 | B1 | Leason et al. | 06-26-2001 |
| | * | 6,311,976 | B1 | Yoseloff et al. | 11-06-2001 |
| | * | 6,312,334 | B1 | Yoseloff | 11-06-2001 |
| | * | 6,358,151 | B1 | Enzminger et al. | 03-19-2002 |
| | * | 6,364,765 | B1 | Walker et al. | 04-02-2002 |
| | * | 6,368,214 | B1 | Luciano | 04-09-2002 |
| | * | 6,368,218 | B2 | Angell, Jr. | 04-09-2002 |
| | * | 6,375,567 | B1 | Acres | 04-23-2002 |
| | * | 6,394,902 | B1 | Glavich et al. | 05-28-2002 |
| | * | 6,402,614 | B1 | Schneier et al. | 06-11-2002 |
| | * | 6,471,208 | B2 | Yoseloff et al. | 10-29-2002 |
| | * | 6,488,280 | B1 | Katz et al. | 12-03-2002 |
| | * | 6,514,144 | B2 | Riendeau et al. | 02-04-2003 |
| | * | 6,523,829 | B1 | Walker et al. | 02-25-2003 |
| | * | 6,540,230 | B1 | Walker et al. | 04-01-2003 |
| | * | 6,565,084 | B1 | Katz et al. | 05-20-2003 |
| | * | 6,572,107 | B1 | Walker et al. | 06-03-2003 |
| | * | 6,582,307 | B2 | Webb | 06-24-2003 |
| | * | 6,588,747 | B1 | Seelig | 07-08-2003 |
| | * | 6,607,439 | B2 | Schneier et al. | 08-19-2003 |
| | * | 6,612,501 | B1 | Woll et al. | 09-02-2003 |
| | * | 6,612,574 | B1 | Cole et al. | 09-02-2003 |
| | * | 6,619,660 | B2 | Schaefer et al. | 09-16-2003 |
| | * | 6,645,074 | B2 | Thomas et al. | 11-11-2003 |
| | * | 6,656,042 | B2 | Reiss et al. | 12-02-2003 |
| | * | 6,663,105 | B1 | Sullivan et al. | 12-16-2003 |
| | * | 6,676,126 | B1 | Walker et al. | 01-13-2004 |
| | * | 6,679,497 | B2 | Walker et al. | 01-20-2004 |
| | * | 6,681,995 | B2 | Sukeda et al. | 01-27-2004 |
| | * | 6,682,419 | B2 | Webb et al. | 01-27-2004 |
| | * | 6,685,561 | B2 | Anderson et al. | 02-03-2004 |
| | * | 6,692,353 | B2 | Walker et al. | 02-17-2004 |
| | * | D486,869 | S | Webb et al. | 02-17-2004 |
| | * | 6,716,103 | B1 | Eck et al. | 04-06-2004 |
| | * | 6,719,631 | B1 | Tulley et al. | 04-13-2004 |
| | * | 6,729,956 | B2 | Wolf et al. | 05-04-2004 |

| | | | | | | | | | |
|---|---|----|---|-------------------------------|--|--------------------------------|--|--|--|
| FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: 10/729,826 | | ATTY. DOCKET NO.: R0586-701010 | | | |
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| Sheet | 3 | of | 5 | | | | | | |

U.S. PATENT DOCUMENTS

| | | | | | |
|--|---|--------------|----|--------------------|------------|
| | * | 6,733,385 | B1 | Enzminger et al. | 05-11-2004 |
| | * | 6,749,198 | B2 | Katz et al. | 06-15-2004 |
| | * | 6,843,724 | B2 | Walker et al. | 01-18-2005 |
| | * | 2002/0052229 | A1 | Halliburton et al. | 05-02-2002 |
| | * | 2002/0061778 | A1 | Acres | 05-23-2002 |
| | * | 2002/0090986 | A1 | Cote et al. | 07-11-2002 |
| | * | 2002/0098882 | A1 | Lind et al. | 07-25-2002 |
| | * | 2002/0155885 | A1 | Shvili | 10-24-2002 |
| | * | 2002/0169018 | A1 | Schneier et al. | 11-14-2002 |
| | * | 2002/0187827 | A1 | Blankstein | 12-12-2002 |
| | * | 2002/0193158 | A1 | Weiss et al. | 12-19-2002 |
| | * | 2002/0198038 | A1 | Adams | 12-26-2002 |
| | * | 2003/0027628 | A1 | Luciano | 02-06-2003 |
| | * | 2003/0045340 | A1 | Roberts | 03-06-2003 |
| | * | 2003/0060257 | A1 | Katz et al. | 03-27-2003 |
| | * | 2003/0060261 | A1 | Katz et al. | 03-27-2003 |
| | * | 2003/0069068 | A1 | Kaminkow | 04-10-2003 |
| | * | 2003/0080508 | A1 | Thibault | 05-01-2003 |
| | * | 2003/0102625 | A1 | Katz et al. | 06-05-2003 |
| | * | 2003/0139214 | A1 | Wolf et al. | 07-24-2003 |
| | * | 2003/0176212 | A1 | Schlottmann et al. | 09-18-2003 |
| | * | 2003/0186739 | A1 | Paulsen et al. | 10-02-2003 |
| | * | 2003/0195841 | A1 | Ginsberg et al. | 10-16-2003 |
| | * | 2004/0036212 | A1 | Walker et al. | 02-26-2004 |
| | * | 2004/0038723 | A1 | Schneier et al. | 02-26-2004 |
| | * | 2004/0051240 | A1 | Adams | 03-18-2004 |
| | * | 2004/0053683 | A1 | Hartl et al. | 03-18-2004 |
| | * | 2004/0102238 | A1 | Taylor | 05-27-2004 |
| | * | 2004/0127279 | A1 | Gatto et al. | 07-01-2004 |
| | * | 2004/0133472 | A1 | Leason et al. | 07-08-2004 |
| | * | 6,283,855 | B1 | Bingham | 9/4/2001 |
| | * | 6,368,214 | B1 | Luciano | 4/9/2002 |
| | * | 6,106,393 | | Sunaga, et al. | 8/22/2000 |
| | * | 6,007,426 | | Kelly, et al. | 12/28/1999 |
| | * | 6,527,175 | B1 | Dietz, et al. | 3/4/2003 |

| | | | | | | | |
|---|---|----|---|-------------------------------|--|--------------------------------|--|
| FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: 10/729,826 | | ATTY. DOCKET NO.: R0586-701010 | |
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U.S. PATENT DOCUMENTS

| Examiner's Initials | Cite No. | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication or of issue of Cited Document MM-DD-YYYY |
|------------------------|-------------|----------------------|--------------|--|--|
| | | Number | Kind Code | | |
| | * | 6,028,920 | | Carson | 2/22/2000 |
| | * | 5,373,440 | | L. Cohen | 12/13/1994 |
| | * | 5,324,035 | | Morris, et al. | 6/28/1994 |
| | * | 4,922,522 | | J. Scanlon | 5/1/1990 |
| | * | 4,494,197 | | S. Troy, et al. | 1/15/1985 |
| | * | 4,689,742 | | S. Troy, et al. | 8/25/1987 |
| | * | 7,008,317 | | Cote et al. | 3/7/2006 |
| | * | 6,899,622 | | Lind et al. | 5/31/2005 |
| | * | 6,855,052 | | Weiss et al. | 2/15/2005 |
| | * | 6,705,944 | | Luciano | 3/16/2004 |
| | * | 6,811,484 | | Katz et al. | 11/2/2004 |
| | * | 6,918,589 | | Thibault | 7/19/2005 |
| | * | 6,824,467 | | Schlottmann et al. | 11/30/2004 |
| | * | 6,942,570 | | Schneier et al. | 9/13/2005 |
| | * | 2002/0013167 | | Spaur et al. | 1/31/2002 |
| | * | 6,625,578 | | Spaur et al. | 9/23/2003 |
| | * | 5,928,082 | | Clapper, Jr. et al. | 7/27/1999 |
| | * | 5,679,077 | A | Pocock et al. | 10/21/1997 |
| | * | US2002/0111207 | A | Lind et al. | 08/15/2002 |
| | * | 5,333,868 | A | Goldfarb, Simon | 8/2/1994 |
| | * | 5,351,970 | A | Fioretti, Phillip R. | 10/4/1994 |
| | * | 5,782,470 | A | Langan, Henry G. | 7/21/1998 |
| | * | 6,585,590 | B2 | Malone, Perry | 7/1/2003 |
| | * | US2003/0171986 | A1 | Itkis et al. | 9/11/2003 |
| | * | 6,780,108 | B1 | Luciano et al. | 8/15/2002 |
| | * | 6,607,439 | B2 | Scheneier et al. | 08/19/2003 |
| | * | US2002/0090986 | A1 | Cote et al. | 07/11/2002 |
| | * | US2005/0049042 | A1 | Walker, et al. | 03-03-2005 |
| | * | US2004/0142741 | A1 | Walker, et al. | 07-22-2004 |
| | * | US2002/0090987 | A1 | Walker, et al. | 07-11-2002 |
| | * | US2003/0218303 | A1 | Walker, et al. | 11-27-2003 |
| | * | US2003/0155715 | A1 | Walker, et al. | 08-21-2003 |

| | | | | | | | | | |
|---|---|----|---|-------------------------------|--|--------------------------------|--|--|--|
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| Sheet | 5 | of | 5 | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner's Initials | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document (not necessary) | Date of Publication of Cited Document MM-DD-YYYY | Translation (Y/N) |
|------------------------|-------------|-------------------------|--------------------------------|--------------|---|---|----------------------|
| | | Office/ Country | Number | Kind Code | | | |
| | | WO | 91/06931 PCT/FI90/00 254 | | Raha-Au-Tomaattiyhdistys | 5/16/1991 | |
| | | CA | 2338080 | A1 | Hiles, et al. | 09/2001 | |

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| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided either because it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications) or because a copy of this reference need not be provided as the reference is a published U.S. Patent or U.S. Patent application and the present application was filed after June 30, 2003.